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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, non-governmental organization in general consultative status; Union of Arab Jurists, Arab Lawyers Union, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Organization for the Elimination of All Forms of Racial Discrimination, International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status; Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The plight of Iraqi women*

Women's rights have always been violated during armed conflict in different ways. Whilst conflict inflicts suffering on everyone, women are particularly affected by its short- and long-term effects. In general they face many challenges in conflict and post-conflict environments – including extreme poverty, displacement from their homes, destruction of social networks, and limited opportunities for employment and income generation.

This report is examining some negative effects of the war and occupation on Iraqi women and their fundamental rights.

Iraqi women before the war and occupation

Since Iraq's independence, women gained important access not only to education, but also health care, employment, political positions and in the economic sphere. Furthermore, women in Iraq made important advances with regards to family rights, the right to serve in the government and their active involvement in political life. During the seventies and eighties of the last century, women's rights in Iraq were the most advanced in the region. By making education compulsory for all by law No. 118 in 1976, the Iraqi government closed the literacy gap between men and women notably and took a great step to eradicate illiteracy and empower women in the working field. The efforts were rewarded when Iraq received the UNESCO award for eradicating illiteracy in 1982. Female literacy reached 87% in 1985 which was by that time far ahead of its neighbouring countries. In 1986, Iraq ratified, as one of the first nation, the Convention on Elimination of all forms of Discrimination Against Women (CEDAW).

Since the brutal UN sanctions of 1990 and the following Gulf War in 1991, women's rights in Iraq have suffered dramatically. Present-day Iraq is plagued by violence, corruption and injustice, transforming the situation of women into a national crisis.

Women after war and occupation

The US-invasion and occupation of Iraq finally worsened the already during the UN sanctions deteriorating freedom of women.

By dissolving the Iraqi army, police and security units in 2003, the US administration created a security vacuum that resulted in chaos and disorder throughout Iraq. This constructed an environment for criminal groups to move freely and target Iraqi women. However also US forces committed numerous violations against Iraqi women. They were detained, tortured and raped. In most cases it was to use them to pressure their husbands, sons and other relatives to cooperate with the US forces during interrogations.

The lack of responsibility taken on by the occupying powers towards these violations paved the way for more abuses and for to the successive Iraqi governments to continue in the same irresponsible way. Since 2003, and throughout the past decade, fundamental rights of Iraqi women have been constantly neglected and violated.

The US and British officials have defended the occupation regime by promoting its positive effects on women's emancipation. However, when looking at the facts, these claims by the US invasion powers attempt to distract the attention from the deterioration of women's rights under the occupation regime.

Impunity and security

Government forces have targeted women and girls and intimidated them through physical violence, sexual harassment or rape. Several NGOs documented a wave of sexual violence and abductions against women in Baghdad following the invasion.[1] A dramatic increase in sexual assaults and violence against Iraqi women by US forces were visible in Iraq.

[1] Human Rights Watch (2003) http://www.hrw.org/reports/2003/07/15/climate-fear-0

Accusations were made against the invading armies of abuses and rapes. Many women were taken hostage, tortured, and sexually abused.[2] One of the most famous crimes in this regard are the Mahmudiya killings, the gang rape and murder of a 14 year old girl by US soldiers in Iraq in March 2006. Militia forces have also been repeatedly accused of rape and sexual abuses, using the environment created by the war.

Insecurity and lack of accountability severely restrict women's personal mobility and consequently their involvement in public life. The continuous deterioration of the justice, police and security system and the immense corruption of the Iraqi government after the invasion led to an absence of women from the streets or obliging them to wear the veil because of the control exercised by armed and extremist groups in several areas.[3] Fear of rape and abduction keeps women in their homes, out of schools and away from work.[4] In 2004-2005, it reached a point where female university students were threatened with being blown up if they continued to study without being segregated from men.[5]

Women in public sphere

According to several Iraqi researchers, the unemployment rate of Iraqi women after the war increased drastically. An Iraqi University professor showed in her survey that at least 85% of educated women are unemployed due to the lack of safe working places provided by the government.[6] The majority of women lost their jobs after the invasion and change in government. Before the invasion, women formed more than 40% of total workers in the public sector however as a consequence of the lack of security in public sphere and the increase in harassment and discrimination of women by police, soldiers and officials as mentioned above, forced women to give up their workplace.

Displaced women in Iraq

Around 4,5 million Iraqis have been displaced inside Iraq since 2003, which is the largest number of displacements in the region since 1948.[7] About 83 percent of this number is made up of women and children. 55% of Iraqi women are displaced and 55% have been subjected to violence.[8] They face strong social stigmas, are highly discriminated and are forced to live in inhumane poor conditions. Since 2003, about 33% of displaced widowed women have not received any humanitarian assistance; 76% of widows do not receive a pension and sometimes are forced to go into temporary marriage with one of the bureaucrats who distribute the funds.[9] Consequentially, the US invasion has led women and girls highly vulnerable to poverty and unemployment.

Sexual exploitation and prostitution

Many Iraqi women have lost their husbands as a result of the armed conflict, generalised violence, and displacement. The resulting financial hardship has made them vulnerable to trafficking for sexual exploitation and prostitution.[10]

As a result of the deteriorating security system driving women into unemployment, sex exploitation of Iraqi women has increased significantly and seems to be the only possibility for many women today to finance their and their children's lives. According to the US' Trafficking in Person Report for 2010 by the Department of State, Iraq is now considered one of "the worst countries" in the world regarding prostitution and sexual exploitation.[11] These are horrifying facts

[2] Global Research (2005) available at http://www.globalresearch.ca/iraqi-women-under-us-occupation/158
[3] CEDAW country report Iraq (2014). Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRQ%2f4-6&Lang=en
[4] Human Rights Watch (2014). Available at http://www.hrw.org/sites/default/files/reports/iraq0214webwcover.pdf
[5] Ibid
[6] Dr. Yasmine Jawad (2013). Available at http://www.gicj.org/iraq_conference_speeches/Dr_Yasmin_Jawad_Presentation.pdf
[7] Dr. Yasmine Jawad (2013). Available at http://www.gicj.org/iraq_conference_speeches/Dr_Yasmin_Jawad_Presentation.pdf
[8] Ibid
[9] Dr. Yasmine Jawad (2013). Available at http://www.gicj.org/iraq_conference_speeches/Dr_Yasmin_Jawad_Presentation.pdf
[10] Human Rights Watch (2013). Available at http://www.hrw.org/world-report/2013/country-chapters/iraq?page=2
[11] The report of the U.S. State on trafficking of human beings (2010). Available at http://www.state gov/documents/organization/142979.pdf

presented by the US, which leaves questions of accountability, responsibility and investigation open to ask. What steps is the invading power taking to ensure punishment and accountability first and second what are the proposed plans of actions and solutions to a better protection of women in Iraq. Women are lured into forced sexual exploitation through false promises of work. Trafficking of young girls is increasingly common to escape poverty. Women are married off into permanent or temporary marriages to find a better life however very often then fall victim to sexual exploitation.[12]

Women in Iraqi prisons and detention facilities

The annual report[13] of the Iraqi Ministry of Human Rights on the situation of prisons and detention centres in Iraq in 2012 indicates that there is a large over-crowding in prisons above its capacity. The same report indicates the cases of allegations of torture and exposure to threats and rape. Sexual abuse as a method of torture against female prisoners is not confined to the notorious Abu Ghraib prison.[14]

In its most recent report of February 2014, Human Rights Watch[15] found that women have been repeatedly subject to rape and sexual assault in Iraqi detention centres. Former detainees reported that their clothing was removed and they were deprived of food and water for days. Additionally, the detention facilities are generally run by men which leaves female detainees vulnerable with regard to their private sphere and increases the risk of sexual harassment and abuses. [16]

Another issue is the lack of specific hygiene needs of women, such as provision of sanitary towels.

Women detained since the end of 2012 told NGOs on the ground that security forces arrested them without showing an arrest warrant, interrogated them about male family members without accusing the women of any crime, and demanded bribes for their release.[17] The majority of women are used as a pressuring tool for their husbands, fathers, brothers or sons. NGOs report that many of these women described were being beaten, kicked, slapped, hung upside-down and beaten on their feet, given electric shocks, and raped or threatened with sexual assault by security forces during their interrogations.[18] Security forces questioned them about their male relatives' activities rather than their own accused crimes and furthermore forced them to sign statements which they were not allowed to read.[19]

The Iraqi criminal justice system tortures women into confessions, using horrendous measures including rape in front of their relatives and children. When finally charged and sentenced, the women are additionally abused, tortured and raped inside the detention facilities. The main issue at hand here is the huge failure by the courts to investigate allegations of abuse and hold the abusers responsible and accountable which encourages police and security forces to falsify confessions and continue the use torture and sexual assault.[20]

One of the main demands during the peaceful mass demonstrations in December 2012 were to set women prisoners free who are subject to abuses and mistreatment inside Iraqi prisons and detention facilities, after the allegations arose that female prisoners are being raped and sexually abused by guards and security forces.

The central concern

[12] Shadow report to CEDAW (2014) available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT_CEDAW_NGO_IRQ_16192_E.pdf
[13] Iraqi Ministry of Human Rights (2012) in Arabic available at http://www.humanrights.gov.iq/uploads/ali%20pdf/final2012.pdf
[14] Ibid
[15] See Human Rights Watch (2014) available at http://www.hrw.org/news/2014/02/06/iraq-security-forces-abusing-women-detention
[16] Shadow report to CEDAW (2014) available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRQ/INT_CEDAW_NGO_IRQ_16192_E.pdf
[17] Human Rights Watch (2014). Available at http://www.hrw.org/sites/default/files/reports/iraq0214webwcover.pdf
[18] Human Rights Watch (2014) available at http://www.hrw.org/news/2014/02/06/iraq-security-forces-abusing-women-detention
[19] Ibid
[20] Ibid

The core reason which continuously reinforces the abuse and discrimination of women in Iraq is the corrupt and flawed judicial system which leaves perpetrators of abuses and violence against women unpunished. This circle of impunity and corruption is further abused by the male police force, security forces, prison guards and even judges who use confessions retrieved under torture to sentence the female accused. The deteriorated safety of public life is a further reason why women's rights have worsened horrifyingly.

Furthermore, the destruction of the whole health and education system during the US invasion and occupation left women highly vulnerable to life after the war. The death of many male heads of households as the main breadwinners furthermore pushed women into poverty and prostitution, as explained above.

Women's rights are nothing more than mere words introduced by the US and British occupying forces while the reality of Iraqi women live lives of fear and violence after the invasion.

The NGOs signatories to this statement call on the United Nations in general and the Human Rights Council in particular to:

- **to call on the Special Rapporteur for Violence Against Women to focus in her reports on the cause and consequences of the situation of Iraqi women and investigate all human rights violations and violence against women committed since 2003**
- **request the High Commissioner to present to the Council a detailed report on the Human Rights violations in Iraq since 2003 according to reports and documentation by UNAMI and civil society**
- **appoint a UN Special Rapporteur for the human rights situation in Iraq**
- **ensure that all human rights violations in Iraq during the sanctions and the invasion and occupation are investigated by an international independent body and that perpetrators are held accountable**
- **ensure that all measures are taken to end the current state of impunity, both within Iraq and with regards to the culpability of the occupying powers**

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* BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For

Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.

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Human rights situations that require the Council's attention

Written statement* submitted by Maarij Foundation for Peace and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Stop ethnic cleansing in the Central African Republic*

The Maarij Foundation for Peace and Development (MFPD) is following with deep concern the operations of ethnic cleansing against Muslims in Central Africa, which take the form of religious intolerance of Christian extremist armed groups, many observers refers that the French military intervention, in Central Africa has contributed in fueling conflict and the creation of opportunities for militant Christians for more of killings and atrocities against Muslims in Central Africa.

Conflict systems generally correlate to pre-colonial social networks and post-colonial economic systems. In the CAR, although geographically, the current war is occurring in a separate independent political entity, it is also part of a broader system of violence that links to ongoing or apparently resolved conflicts in the region. Historical exploitation through the slave trade, similar patterns of colonization and neo-colonial economic pressures that unite the Sahelian mining belt.

Since December 2012, the CAR has been experiencing political and social instability as well as insecurity, which has exacerbated the already precarious humanitarian situation in the country. Following the seizure of power by force in March 2013, the country has seen the disruption of normal life, human rights violations, and the massive displacement of populations.

Over 400,000 people are estimated to be internally displaced, compared to some 94,000 in early 2012. Some 65,000 individuals have fled to the Democratic Republic of Congo (DRC), the Republic of the Congo, Chad and Cameroon, bringing the global number of Central African refugees close to 220,000.

According to reports the United Nations and international organizations to the ethnic cleansing against Muslims in Central Africa increasingly brutal day after day, Amnesty International reports:

"Ethnic cleansing" of Muslims has been carried out in the western part of the Central African Republic, the most populous part of the country, since early January 2014. 1 Entire Muslim communities have been forced to flee, and hundreds of Muslim civilians who have not managed to escape have been killed by the loosely organized militias known as anti-balaka.

"They killed my children heartlessly," said Oure, a Muslim woman whose four sons were killed by anti-balaka fighters on 26 January. She, her two sisters, their 75-year-old mother, and seven of the family's children had gone out early in the morning, trying to reach a church in the northwest town of Baoro, when they were caught by an anti-balaka militia unit. "The children were slaughtered in front of our eyes," Oure continued, sobbing: "both my children and my sisters' children." One of Oure's sisters, Aishatu, was wounded on her hand when she tried to protect the children, who boys were ranging in age from 8 to 17 years old.

The ethnic cleansing of Muslim communities is part of a larger tragedy unfolding in the Central African Republic. The Maarij Foundation for Peace and Development (MFPD) to scream loudest calls for all merciful humankind to save the lives of these innocent, a massacre of the innocents Muslims is taking place in the Central Africa as the world looks the other way.

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*Global Network for Rights and Development (GNRD), an NGO without (ECOSOC) consultative status, also share the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Iranian Elite Research Center, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Sanctions on Iran: A Violation of Rights of the Child

Introduction

The further tightening of sanctions on the Islamic of Republic of Iran by the United States and the European Union since 2011, has deteriorated the medical situation in the country. The negative impact of sanctions in supplying medicines and medical treatment for patients' violates the basic rights of the Iranian people. Sanctioning the banking system has impeded the money transaction process on the international level and thus prevented companies and governmental organizations from purchasing medical products for patients in need. This action has indirectly affected the healthcare system of the country through creating a shortage of medical equipments and supplies. The impacts have affected not only patients with critical conditions but those of all age groups. Amongst all, children are known to be the most vulnerable and thus prioritized group in medical emergencies. The Iranian Elite Research Center (IREC), a non-governmental research center, is alarmed by the impact of sanctions on the health situation and medical treatment process of child patients. IREC hereby demands the necessary measures to lift the inhumane sanctions imposed on Iran, in an attempt to defend the rights of children in need for medical aid under the Human Rights charter of the United Nations.

Overview

The Islamic Republic of Iran has long been under the unilateral sanctions of the United States of American ever since the 1979 revolution. Therefore, the country had built its infrastructure based on domestic and foreign production and trade with other countries. The intensification of sanctions gained momentum in 2006 as the US urged a multilateral sanctions on the country. With the daily increasing number of sanctions and countries participating in it, different vulnerable institutions such as the medical system of Iran began to feel the pressure. One of its impacts is the medical shortage caused for child patients in critical need. A consequence which violates many charters of the United Nations:

- Article 6 of the UN Convention on the Rights of the Child which stresses "Governments should ensure that children survive and develop healthily" has been violated by the sanctions as it prevents the government of the Islamic Republic of Iran in fulfilling its duty of providing medical supplies through trade and import; a need for critical child patients to survive and develop healthily.

- Article 24 of the UN Convention on the Rights of the Child declares that children have the right to the best health care possible; a right which has been infringed as it has led to the lack of access to basic medical supplies, let alone the "best health care".

- Article 16 of the Universal Declaration of Human Rights approves that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State." The sanctions had degraded the value of the Iranian currency and thus created inflation. The result of the inflation is decreasing the purchase power of Iranian families and those with lower income. Consequently, children living in low income families will be affected by inflation and becomes more venerable than before in funding its medical needs in case of need. Since Iran is a country whose budget heavily depends on the export of oil money, the state's power too will weaken in supporting the low income families; a violation of the rights of Iranian families and children.

- Article 3 of the Universal Declaration of Human Rights affirms that every person has "the right to life, liberty and security of person". The right to life has been infringed by countries sanctioning Iranian banks and transaction of money for medical needs. Such a violation limits the right to liberty and security of the ill child as well.

Sanctions, Medical Shortages and Child Patients

In 2013, IREC reported on the effects of sanctions on the Iranian people and its violation of Article 25 of the Universal Declaration of Human Rights, "the right to a standard of living adequate for the health and well-being". IREC has at this point collected statistics and information on the medical shortages which have impacted the lives of child patients

suffering from: Asthma, Cancer, Hemophilia and Thalassemia. The data which has been gathered through direct interviews with doctors, patients, medical institutions, charity groups and non-governmental organizations asserted the scarcity of vital medical treatments for patients in critical conditions which has resulted in:

- The death of over 100 Thalassemia children in the past year and a half due to the lack of medical supplies resulting from the sanctions.
- The death of a number of Hemophilia child victims due to the lack of medical supplies resulting from the sanctions.
- The shortage of medicines used to overcome iron overload in Thalassemia children such as Desferal, Desfonac and Deferasirox.
- The import of antibiotics from China and India with unknown substances which resulted in serious gastrointestinal side-effects such as vomiting and diarrhea in Children suffering from Asthma.
- The side-effects of iron overload which has led to diabetes and kidney and heart failures.
- The resource to old treatment methods which were conducted around two decades ago and cause pains and side-effects with less chance of rehabilitation.
- The interruption of strategic treatment processes.
- Long-term side-effects of inconsistent treatment due to medical shortage such as joint aches in Hemophilia children.
- Shortage of Radiopharmaceuticals in need for Hemophilia children.

Recommendations

As the situation of children in need of medical supplies deteriorates day by day, the number of critical patients increases as well. This limitation of access and isolation not only damages the health system, but other institutions which provide social benefits and services for the Iranian people. In a globalized world where all countries are interdependent, sanctioning the economy of a country means sanctioning many other rights of the people of that country. As the Iranian economy is heavily dependent on oil exports and so it fuels the country's budget for providing the basic infrastructure for international trade and security. Since the basic rights of Iranian children has been directly violated by the sanctions according to the UN Convention on the Rights of the Child; it prevents the government from implementing medical aid, treatment and measures to assure the healthy survival and development of Iranian children, especially that of the "best" type of health care as mentioned in article 24 of the convention.

Herby the Iranian Elite Research Center recommends the Human Rights Council on:

- Identifying sanctions as a violator of human rights when it impacts non-state actors and vulnerable population of society such as children and the ill.
- Adopting and implementing legislation to abolish sanctions as an inhuman and non-intelligent punishment which targets innocent people rather than governments.

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Universal Periodic Review

Written statement* submitted by the Iranian Elite Research Center, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Universal Periodic Review of Israel

In the first round of human rights universal periodic review of Israel, some suggestions had been made for this country. It was issued according to the situation of human rights in Israel and based on international reports of various human rights organizations between 2012 and 2014. By studying the recommendations made in 2008, we are going to briefly review the most important ones.

According to UPR recommendations, Israel was asked to respect the basic rights of human and humanity (pursued by Burkina Faso, Ireland, France, Philippine, Brazil, Sweden). One of the basic rights of human beings is the right of living. According to HRW report in 21st January 2014, Israeli forces have killed at least 15 Palestinians in the west bank, three of them were children. Among the dead, we can refer to a 16-year-old teenager called Samir Ahmad and the 34-year-old Robin Zayed. According to this UN report, Israeli forces killed three Palestinians citizens in Gaza strip in September 2013. In an Amnesty International report published in 17th April 2013, the Israeli army's neglection of the misbehavior of 65 Israeli forces during Operation Pillar of Defense in the previous year, during the 8-days-war in Gaza strip, could be a serious violation of human rights and a war crime. According to the reports of 2nd of September 2013, Israeli forces have brutally killed 3 people and injured 19 others in a wild gunfire in Qalandia refugee camp. Based on the same report, 5 of the injured were under 18 years old. According to the United States reports regarding human rights violation in occupied Palestine in 2013, Israeli forces have killed 75 Palestinians in the west bank and the Gaza Strip up until October 2012. Rashed Shawkha, Yahia Zakoot and Hashem Mesbah are only a few examples.

Amongst other recommendations which was made to Israel was to stop displacing and demolishing the houses of Palestinians (pursued by Jordan). According to a 21st January 2012 report made by HRW, Israeli authorities have destroyed houses of Palestinian citizens in a series of racial actions. According to this report, thousands of Palestinians were forced to be displaced. It was also stated in the report of January 3rd, 2014 that Israeli defense minister Moshe Ya'alon must stop mandatory displacement of 23 Palestinian people. It was also stated in the same report that in the first half of 2013 more than 1708 houses were built in the towns which was 70% more than the same time the year before. As the peace negotiations began, Israel planned to add another 3000 units to its settlement expansions. According to the United States foreign ministry report regarding human rights violation in the occupied lands, Israeli security forces still continue the destruction of Palestinian homes in the west bank and some areas in Jerusalem. For instance, 250 Bedouin families were told to relocate in Khan Al-Ahmar and the citizens of a village in the south of Hebron Hills were threatened as well.

According to the January 3rd, 2014 report, the freedom of traffic in the west bank has faced some serious limitations such as check-points, separate borders and some other complications as well (pursued by Mexico, Netherlands, Belgium). Later in the same report it was mentioned that Israeli forces keep building separation walls around west Jerusalem. More than 85 percent of these separation walls are located in the west bank rather than the Green Line and 11000 Palestinian people living in the Israeli division of these borders are not allowed to go to Israel while they need to cross the borders and go to the west bank for their daily affairs. According to the United States foreign ministry report regarding human rights violation in the occupied lands, Israel has limited the traffic of Palestinians in the occupied lands territory and limitations such as travelling abroad is getting more day by day. These limitations are directly affecting different aspects of people's lives such as employment, inaccessibility to religious sites, hospitals, schools, farms and also impossibility of journalism and humanitarian actions.

Respecting the rights of religious minorities is another recommendation that was made to Israel based on UPR report (pursued by England, Canada, Ireland, and Greece). However, we see violations of this right in international reports. According to the HRW report of 13th February 2013, Israeli government has destroyed the houses of some religious minorities called Bedouins. Violation of their rights was also mentioned in the HRW report of 21st January 2014. Immigration and refugee board of Canada has reported in February 28th, 2013: according to the report of freedom of religion in 2011, Evangelical Christians are being abused and mistreated by some Jewish group acts; Media resources show that acts of vandalism have caused the destruction of Christian religious sites in 2012, such as the house of Saint Baptist, Narkis Street, a cemetery in Latron city, Monastery of the Cross in Jerusalem and Franciscan monastery at Mount Zion. Sources have reported that in October 2011 "death to Arabs" was written on the gravestone of Muslims and Christians. They have also reported that the mayor of Nazaret-Illit stated: "I will never allow Christian citizens to

up a Christmas tree in public places". Many reports were received concerning harassment of Jewish-Christians as well. Reports are saying that the people who commit these crimes against Jewish-Christians are rarely arrested by the police.

The UPR requested Israel to stop the Gaza Strip Blockage (pursued by Italy, France, Switzerland, Qatar, Pakistan, Cuba and Yemen). According to a HRW report on 21st January 2014, in result of the Gaza Strip blockage, especially the ban of exports, many life casualties have been reported. It was stated in the report that Israeli forces have reduced the fishing area in Gaza Strip and in the second half of 2013 killed 5 fishermen. According to a HRW report on 13th February 2013, export ban in Gaza Strip is still continuing.

Respecting the right of freedom of expression was another issue recommended to Israel (pursued by Norway). According to the report in January 21st, 2014 submitted by HRW, Israeli forces have arrested Palestinians who attended peaceful demonstrations condemning the settlements and separation walls. According to a HRW report on February 13th, 2013 Israeli forces continue to suppress Palestinians' peaceful demonstrations. The same report issued that Israeli forces have raided many civil society offices in Ramallah arresting many people in 2012. Based on a HRW report on July 18th, 2013, five witnesses stated that extreme violence was put up against the protestors of a law-draft that facilitates the relocation of thousands of Bedouins living in Negev by police forces. The same story happened in Sakhnin in north Israel. The two cases were stated in an Amnesty International report on July 31st, 2013. According to the United States foreign ministry human rights violation report on 2013, illustrating political symbols for the Palestinians living in the western area of Jerusalem is prohibited and results in fines or jail. Showing anti-Israeli feelings, expressing similar matters or holding meetings supported by Palestinian authorities is banned as well.

In the 2008 UPR it was asked from Israel to take a different judicial process for arrested children (pursued by Slovenia). It seems that this report was neglected just like the other ones. It was stated in the HRW report on January 21st, 2014 that Israeli forces are still arresting children. They are kept in the same place with the adults and they are getting interrogated without presence of any attorneys or members of their families. They are forced to sign a confession written in Hebrew which they don't understand. Amnesty International has also submitted reports concerning the violation of children rights in Israeli prisons on September 2013.

Israel is also obliged to respect the basic rights of the prisoners and detainees. According to HRW report in February 13th, 2013, there has been many cases of torture, arbitrary and precautionary arrests by Israeli forces. According to the United States foreign ministry report in 2013, abusing Palestinian detainees (especially at the time of arrest and interrogation), difficult situation of arrest, torturing prisoners to get confessions and keeping them in solitary for a long time were known as examples of human rights violations in the occupied lands. Among these cases it can be referred to 16-year-old Adham D., who was kept in solitary confinement for 12 days under brutal interrogation. The unsuitable and inhumane conditions of prisoners (15 square feet for each prisoner) and inappropriate medical care were mentioned in the report as well.

It was recommended to Israel in the UPR to ensure the activity of human rights defenders (pursed by Austria). An October 27, 2013 HRW report states that Israeli forces are irritating the Aldamir group which provides legal services for the Palestinian detainees. Israeli security forces have set a lot of limitations and heavy fines for the employees of this group while they are not involved in any hostile action.

The study shows that despite accepting some first round UPR recommendations by Israel, some cases of violations can still be seen. Based on the reported facts, IREC recommends that the addressed country must take the mentioned recommendations by other countries and international organizations more seriously and show more respect to the international organizations at least by taking their accepted recommendations.

United Nations A/HRC/25/NGO/99

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Iranian Elite Research Center, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1411664

Please recycle

Status of Minority Rights and Freedom in Iran

For more than four thousand years, Assyrian and Armenian tribes, known as Jews and Christians and also Zoroastrians, the greatest non-Muslim Iranian group, have been living peacefully in Iran alongside their Muslim compatriots. With a look at the pre-revolution history of Iran, one can understand that some problems did exist regarding the identification of minorities. In the old constitution, the religious minorities in Iran were named as Jews, Christians and Zoroastrians, were as in the post-revolution version they were corrected to Jewish, Christian and Zoroastrian.

Iran is a country with religious beliefs. Therefore, Iranians pay a certain respect for the country's official religious minority groups. According to the constitution, all Iranians, regardless of their religion and race, have equal citizenship rights. Plus, followers of monotheist religions are free to practice their personal lives according to their religion's standards. Official religious minorities in Iran have fundamental rights and freedoms which are considered in the post-revolution constitution. Amongst which is their right to religious teaching, learning the language of their minority and recognizing their religious masters.

Article 64 of the constitution considers two representatives of the parliament for Armenian Christians, and one each for Assyrian Christians, Chaldeans, Zoroastrians and Jews. If the populations of these minorities drop for reasons such as migration, these five seats are still to remain in place.

In the past years, the courts were obliged to comply with all rules related to inheritance, wills, marriage and divorce of the minorities according to the laws of religious minorities themselves. Religious minorities own places such as the Ararat Club and Tehran Assyrian Association, and are also receptive f the Nowruz ceremony and bazaars alongside Muslims and non-Muslims without limitations. Also, all minorities have religious monuments and holy places which in some cases are restored and renovated through governmental expenses.

In total, more than 300 churches , 70 historic synagogues, 50 active synagogues and 20 Zoroastrian fire temples exist in Iran; some of which a have a historical significance and have been registered in UNESCO's historical monuments. Around 40 churches have been repaired and renovated with the expense and help of the Cultural Heritage and Tourism Organization. Also around 27 churches and holy shrines belonging to religious minorities in the country has been registered as the country's historical monuments and national heritage list. Iran has 10 places for slaughtering meat according to Jewish customs, 4 restaurants and more than 20 NGO's and cultural organizations dedicated to Jewish minorities.

Today non-Muslim Iranians are free to engage in religious, social and political activities. Many registered organizations and associations who are legally active, are in charge of the religious and social affairs of non-Muslim Iranians. The board members of these organizations and associations are elected through the direct vote of the religious minority group and their work permits are issued and extended each year according to the newly elected members.

Iranian Christians are free to hold their religious ceremonies such as Easter, Christmas and the New Year. Since Fridays are a national holiday in Iran and not Sundays, Some churches hold their Sunday mass on Fridays so that those who go to work throughout the week can attend. Fellow Zoroastrian and Jewish Iranians too hold ceremonies such as Passover, Jewish New year, Century, Mehregan, Farvardingan and etc.

The number of Jewish women who go to university increased post-revolution. Today more than 70 percent of women of religious minorities have studied at university. More than 90 percent of Jewish organizations in Iran are students or have graduated. At least 4 Jewish people are working as a university professor or assistant professor.

The Christian Olympic Sports Games is held twice a year in Tehran and Urumia, which is funded partially by the government. The children of Iranian religious minorities participate in the same university entrance exam as others and are graded the same way; above all, they are tested according to their own minority's religious teachings.

Non-Muslim Doctors, lawyers, engineers are at work in Iran without any limitations in Muslim clients referring to them. The Iranian society seeks to resolve the problems of non-Muslims. It is clear in the new article which was added to the constitution in 2003 by the Iranian Leader, Ayatollah Khamenei, which stresses that the restitution for Muslims and non-Muslims official religious minorities should be the same.

Statistical analysis of the social and economic participation of religious minorities, particularly in the past four years after the Islamic Revolution shows some improvement. In the past four years, there has been some progress in the laws of religious minorities in several areas:

Legislative areas:

- In 1391, a law was passed in the Parliament whereby the split and consumption of water, electricity and gas of religious temples and buildings of religious minorities were free .

Administrative areas:

- In 1389 missionary, the Tehran Municipality dedicated a sum of 2 billion and 2 hundred Tomans to build an assembly hall for the Assyrians. The Construction of the hall was under the supervision of Tehran Municipality and the Assyrians.
- In 1390, a budget of one million dollars was dedicated to the charitable hospital of Doctor Sepir (A Jewish Charity). This particular hospital focused on care before and after delivery for low-income families. Today the hospital is active in preventing different types of cancer with the help of the Iranian government and it's ministry of health. The hospital receives patient in need from regardless their religion. 90 percent of their patients are in fact non-Jews.
- In the annual governmental budget of 1391, one billion Tomans was dedicated to the religious minority groups.
- In 1391, the Ministry of Sports and Youth dedicated 100 million Tomans to the Assyrians Sport Festivals.
- In 1392, Tehran Municipality dedicated 130 million Tomans for the construction of the park devoted to religious minorities.
- In 1392, the Parliament allocated 5 billion Tomans to the cultural activity budget of religious minorities. That is an increase of $ 1 billion from the previous year.
- In 1392, the presidential office added a new deputy position for a department called "Department of Religious and ethnic minorities". The deputy of this department and its consultants are of religious minorities and they engage to resolve the affairs of religious minorities.
- During the years of 1388,1389 and 1390, 38 million Tomans was allocated to religious minority NGO's from the presidency's center of *Women and Family Affairs.*

Jurisdiction :

- In 1391, based on Article 297 of the Islamic Penal Code, an amended was made that stated that restitution for Muslims and non –Muslims are to be equal.
- In 1392, a Judiciary Act led to the supervision of the orphan children of religious minorities under non-Muslim care.

According to Article 7 of the civil law, in matters of personal affairs, religious minorities are to abide with their own religious laws. However the Judiciary Council established a Dispute Resolution Council dedicated for each minority group under their own management.

United Nations A/HRC/25/NGO/100

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Human Rights Council
Twenty-fifth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the European Centre for Law and Justice, Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Submission to the Human Rights Council in response to report of the Secretary-General on Human Rights in the Occupied Syrian Golan

The European Centre for Law and Justice (ECLJ) appreciates the opportunity to submit this information with citations, addressing the Secretary-General's report on human rights in the occupied Syrian Golan (A/HRC/25/37) (hereinafter Golan Report). By way of introduction, the ECLJ is a Non-Governmental Organisation dedicated to the promotion and protection of human rights and to the furtherance of the rule of law in international affairs. The ECLJ has held Special Consultative Status before the United Nations' ECOSOC since 2007[1]. The ECLJ is concerned that Israel is being unfairly singled out for special scrutiny and criticism, despite an immeasurably better record of compliance with international law and its norms than many other states which continually elude the Council's attention[2].

The ECLJ will first discuss the applicable international law with respect to acquisition of territory by war, to establish that Israel's control of, and subsequent exercise of sovereign authority over, the Golan Heights is legitimate under international law. Second, the ECLJ will discuss the allegations of human rights abuses leveled by Syrian Arab Republic (hereinafter Syria) against Israel.

International Law Concerning Acquisition of Territory by War:

The UN Charter explicitly forbids the actual or threatened use of force by UN member states against any state[3]. Hence, there is no question that international law forbids aggressive war. Accordingly, the fruits of aggressive war, such as acquisition of another state's territory by means of aggression, are also forbidden.

The UN Charter also recognises a state's inherent right of self-defence[4]. Note that the Charter does not create the right to self-defence; it is an inherent right of all states under customary international law[5]. As such, not every use of military force is forbidden.

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[1]NGO Branch, U.N. Dep't of Econ. & Soc. Affairs, Consultative Status for the European Centre for Law and Justice (2007), http://esango.un.org/civilsociety/ (accessed by searching "European Centre for Law and Justice" in the iCSO Database).

[2]Since 2006, for example, the UNHRC has adopted no fewer than forty-three resolutions alleging various violations against Israel. Such anti-Israel bias has even been noted and condemned by two UN Secretaries-General. For example, shortly after the UNHRC's creation, then-UN Secretary-General Kofi Annan complained: "Since the beginning of [the UNHRC's] work, they have focused almost entirely on Israel, and there are other crisis situations, like Sudan, where they have not been able to say a word." Benny Avni, Annan Criticizes Human Rights Council's Resolutions on Israel, Darfur Crisis, N.Y. SUN, 29 Nov. 2006, http://www.nysun.com/foreign/annan-criticizes-human-rights-councils/44260/. More recently, UN Secretary-General Ban Ki-moon also criticized the UNHRC for singling out Israel: "The Secretary-General is disappointed at the [UNHRC's] decision to single out only one specific regional item, given the range and scope of allegations of human rights violations throughout the world " Press Release, U.N. Secretary-General, Secretary General Urges Human Rights Council to Take Responsibilities Seriously, Stresses Importance of Considering All Violations Equally, U.N. Doc. SG/SM/11053 (20 June 2007).

[3]"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." U.N. Charter art. 2, para. 4. See also UN Charter art. 1, para. 1 (calling for suppression of acts of aggression).

[4]"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations . . . ." U.N. Charter art. 51.

[5]"Article 51 neither creates, nor abolishes, a right of self-defense. Nor, for that matter, does it purport to define one. In fact, by its own terms it appears to be nothing more than a rule of construction—making clear that nothing else in the Charter purports to eliminate the right of self-defense in the face of armed attack". David B. Rivkin, Jr., et al., Preemption and Law in the Twenty-First Century, 5 CHI. J. INT'L L. 467, 476 (2005). Moreover, while the UN Charter recognises the inherent right to self-defence, the responsibility for

Thus, there are legal differences between aggressive and defensive warfare as well as between the consequences that flow therefrom. The state that engages in aggressive war, not the one using similar military force in self-defence, violates international law. It is the aggressor state that must be made to pay for its wrongdoing. Otherwise, a perverse result would obtain—the aggressor would be rewarded for its crime at the expense of the victim. The foregoing principle is key to evaluating the legality of the Israeli presence and claim of sovereignty over the Golan Heights.

Application of International Law to the Golan Heights:

Historically, Syria, despite its clear obligations under the UN Charter not to engage in or threaten aggressive war, has proven over time to be a serial aggressor. In 1948, Syria attacked the newly proclaimed State of Israel, thereby engaging in aggressive war[6]. Syria's attack ultimately failed, and Syria signed an armistice agreement in which it pledged to refrain from future aggressive acts against Israel[7]. Syria violated that agreement continually between 1949 and 1967, using the Golan Heights as a military platform from which to fire indiscriminately into northern Israel[8]. In 1967, Syria allied itself with Egypt and Jordan to attack Israel[9]. When hostilities commenced, Syrian air and ground forces attacked Israeli territory. When the war ended, the Syrian military had been soundly defeated, and Israel had captured the Golan Heights[10]. Between 1967 and 1973, Syria continued to support attacks against Israel and its armed forces. In 1973, yet again, Syria initiated aggressive war against Israel, and once again, the Syrian military was decisively defeated. Israel retained control of the Golan Heights. The wars of 1948, 1967, and 1973 as well as Syria's interwar artillery, small arms, and guerilla (fedayeen) attacks against Israeli territory demonstrate conclusively that Syria has neither repented of its aggressive desires nor acknowledged its wrongdoing. To this day, Syria has shown no genuine desire to recognise Israel or make peace with her. In the final analysis, Syria lost the Golan Heights due to its own ill-considered and unlawful actions. Loss of the Golan Heights is one of the costs of Syria's unprovoked acts of aggression. As such, Syria cannot be rewarded by a return of the Golan Heights to its possession.

Under the circumstances, Israel's legislature saw fit in 1981 to formally apply the laws of the State of Israel to the Golan Heights[11]. Given Syria's unrepentant actions and its history of repeated aggression, Israel's action was a reasonable response and is fully consistent with UN Security Council Resolution 242 (later reaffirmed by Resolution 338) which states the need to establish defensible boundaries for Israel[12].

Because Israel captured the Golan Heights in a defensive war, the prohibition on acquisition of land via aggressive war is not applicable. Moreover, as stated above, returning the territory to Syria would, in fact, reward Syria's prior illegal behavior and encourage such behavior in the future by mitigating the costs of past military and political folly in clear violation of international law. No norm seeking to halt aggressive war can be construed as containing a proviso that subverts its very purpose Interpreting the norm precluding acquisition of territory via aggressive war to also preclude acquisition of territory via defensive war would lead to the absurd result of rewarding the aggressor state for its crime to the detriment of the victim. No rational law would do so, and none has done so. In the case of the Golan Heights, its

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determining when self-defence is appropriate lies, as it always has, with the government of each threatened state. States retain full authority to act unilaterally or collectively in their self-defence as they see fit.

[6]Syria was not alone. Egypt, Lebanon, Iraq, Saudi Arabia, and Jordan also sent forces to attack Israel, but this is not relevant to the present discussion.

[7]General Armistice Agreement art. 1, para. 1–2, Isr.-Syria, 20 July 1949, 42 U.N.T.S. 327 (agreeing to "liquidation of armed conflict," to "no aggressive action by the armed forces-land, sea or air- . . . be[ing] undertaken, planned, or threatened," and to each party's right to "security and freedom from fear of attack").

[8]*See, e.g.*, Permanent Rep. of Israel to the U.N., Letter dated 25 Feb. 1960 from the Permanent Rep. of Israel to the President of the Security Council, ¶¶ 8–12, 18–19, U.N. Doc. S/4271 (25 Feb. 1960).

[9]It should be noted that Egypt's blockade of the Straits of Tiran to Israeli ships and foreign ships bound for the Israeli port of Eilat consituted the causus belli of the 1967 war.

[10]In 1967, Israel also captured the West Bank, the Gaza Strip, and the Sinai Peninsula, but they are not relevant to this discussion.

[11]Golan Heights Law, 5742–1981, 36 LSI 7 (1981–82) (Isr.) (noting that Syria was not willing to negotiate peace with Israel).

[12]S.C. Res. 242, U.N. Doc. S/RES/242 (22 Nov. 1967); S.C. Res. 338, U.N. Doc. S/RES/338 (22 Oct. 1973). Prior to 1967, Syria indiscriminately attacked Israel from the Golan Heights. After Israel captured the Golan Heights, thereby establishing a new de fact border, the incidents of Syrian attacks have been significantly reduced.

return to Syrian rule would mean not only that Syria would benefit from its aggression but it would also create an intolerable security risk for Israel[13]—effectively rewarding the perpetrator while punishing the victim.

Because nothing in international law precludes acquisition of territory pursuant to victory in a defensive war, Israel's acquisition of the Golan Heights is lawful. Since Israel has assumed sovereignty over territory lawfully acquired in defending itself against repeated Syrian aggression, the Golan Heights is not—and, indeed, cannot be—"occupied territory" in the sense of the Fourth Geneva Convention. As such, the allegation that the study involves human rights in "occupied" territory in the "Syrian Golan" is factually and legally incorrect.

Alleged Human Rights Violations in the Golan Heights:

The OHCHR report notes several allegations by Syria of Israeli human rights violations in the Golan Heights. For example, Syria has accused Israel of mistreatment of Syrian prisoners[14], requiring the local population to hold Israeli identity[15], and preventing "Syrian nationals" from travelling to and from Syria[16]. Yet, not one specific example of such mistreatment is cited in the report. Moreover, it is impossible to escape the glaring irony of Syria's accusing Israel of human rights violations. One need only take a cursory look at the widespread atrocities being inflicted on Syrian citizens by their own government. Syria's charges against Israel insult one's intelligence given Syria's open and notorious human rights violations. There can be little doubt that Golan Heights residents of Syrian origin must be grateful that Israel has not relinquished the Golan Heights to Syria, thereby sparing them from the Syrian regime's ongoing massacre of its own people.

Given the well-established, universal legal concept whereby a party with "unclean hands" has no standing to complain about similar conduct of others, this is in itself a wholly sufficient reason to reject Syria's complaints in this matter. Yet, even in the hypothetical case that Syria were able to come with clean hands regarding its human rights record, it would still have no basis under international law to claim that Israel's exercise of sovereignty over the Golan Heights is unlawful, given Syria's repeated criminal conduct in the past.

Since the underlying assumptions in the report are false (e.g., "occupied" and "Syrian" Golan), the Syrian complaints—whether about alleged Israeli human rights violations, settlements, Fourth Geneva Convention violations, and the like—are wholly without foundation.

Conclusion:

In short, Israel's exercise of sovereignty over the Golan Heights is fully consistent with international law. The Golan Heights came under Israeli control as the result of defensive warfare against an undisputed serial aggressor. Israel acquired lawful control of the Golan Heights and has retained proper sovereign authority over the region. Thus, the notes verbales discussed in the OHCHR report—which assume that Israel's exercising sovereign authority over the Golan Heights is unlawful—are in blatant disregard of both law and fact. Nothing in international law requires that the victim in war return to the aggressor territory acquired during the war, all the more so if this entails severely compromising the security of the victim. Aggressors need to count the potential cost before resorting to war. If they can retrieve what they lose even when they violate the law, there is little incentive to avoid going to war the next time. That is a perverse result that international law does not—indeed, cannot—sanction. As such, the underlying assumptions in the OHCHR report upon which most of its findings are based, have no foundation in law or fact.

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[13]Note that the Golan Heights constitutes strategic high ground, which topographically dominates all of northern Israel. Given Syria's history of attacking Israel, Syrian control of the Golan Heights would seriously inhibit Israel's ability to defend its prior de facto borders with Syria.

[14]Golan Report, ¶ 10.

[15]Id. ¶ 9.

[16]Id. ¶ 11. Note that Syria and Israel have still not achieved a peace agreement since 1948 and are, therefore, technically, still at war. As such, Israel is not required to allow free movement of anyone across a hostile nation.

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Human Rights Council
Twenty-fifth session
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Alliance Defense Fund, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Access to education and healthcare services: A true response to the MDGS

Alliance Defense Fund is a non-for-profit international legal alliance of more than 2,300 lawyers dedicated to the protection of fundamental human rights. It has argued cases before the Supreme Court of the United States and the European Court of Human Rights. It has also provided expert testimony to the European Parliament and the United States Congress. It has full accreditation with the Economic and Social Council of the United Nations, as well as the Organization for Security and Cooperation in Europe, and the European Union (the European Union Agency on Fundamental Rights and the European Parliament).

Through this statement we call on the United Nations Human Rights Council and Member States to reaffirm our immutable rights by proposing authentic solutions to development that prioritize the needs of the person in accordance with our inherent dignity. Truly progressive policies for sustainable development must be based on a positive view of the person and the unique and immeasurable value of every life. Negative policies that have permeated the UN system include a focus on reducing population size and increasing access to abortion. Such policies violate the sovereign right of states to determine laws on these matters at the level of local legislatures, and have the corresponding effect of encroaching upon the right of the person to plan the size of his or her family without government interference. It is imperative that we promote conditions where every individual can flourish in order for society to benefit from the unique contributions of every person.

We applaud the UN's recognition that abortion does not constitute a valid method of family planning. As noted in paragraph 8.25 of the Programme of Action of the International Conference on Population and Development, it is the sovereign right of each state to determine its own laws on abortion. People represent our greatest resource for development, and it is in the interest of the UN to recognize and protect them fully by addressing the most basic problems that confront millions around the world including: lack of education, poverty, corruption, scarcity, violence, etc. It is also important to seek to promote to the fullest extent the needs of children and young people. Strong families are the bedrock for healthy and flourishing children, and it is these children who build strong and functioning communities.

As the Millennium Development Goals draw to a close, it is imperative that the UN highlights the importance of education as it directly impacts many of these goals, with special significance for women and girls. We call on the UN to focus specifically on Target 5A: to "reduce by three quarters the maternal mortality ratio." We need to ensure women and girls' access to quality education that leads to opportunities, instead of focusing on access to abortion. Focusing on education and the provision of life saving interventions, including through skilled birth attendants, better sanitary conditions, and improved medical infrastructure and transportation, has been proven to result in less maternal deaths. The achievement of the MDGs demands that we not allow any more deaths to occur. It is critical that the UN and Member States advance a common commitment to protect both mothers and babies, as it is possible to love them both.

According to the World Health Organization, maternal mortality worldwide dropped by almost fifty percent between 1990 and 2010. Ninety-nine percent of pregnant mothers who die are from the developing world (WHO). According to WHO data, a woman's risk of dying during or following pregnancy is 1 in 3800 in the developed world. In sub-Saharan Africa, this risk is 1 in 39. These statistics point to the fact that the causes of maternal mortality are driven by poverty and lack of critical health care infrastructure. There are four direct causes of maternal mortality: 1) hemorrhage, 2) infection, 3) high blood pressure, and 4) obstructed labor. The solution to high rates of maternal mortality in the developed world is thus to ensure that every woman has access to quality prenatal care, to increase the number of skilled birth attendants, to strengthen health care systems, and to focus on educating women and alleviating poverty.

Abortion is considered to be a fifth cause of maternal mortality by some agencies and non-government organizations. Although women can die due to an abortion, it cannot be considered a cause of maternal mortality because it is an elective procedure and does not explain why women die in childbirth. Calls for so-called "safe abortion" do nothing to meet the needs of women that want to bring their children safely into the world. Moreover, medical abortion carries with it a high rate of serious complications. In countries without adequate medical infrastructure, these complications often result in maternal death.

Ireland and Chile are clear examples of countries with exceptional maternal health care standards that have implemented "love them both" policies to decrease the maternal mortality ratio in a way legal abortion policies have not been able to do. After banning abortion in almost all circumstances in 1983, Ireland strengthened its focus on providing high quality prenatal care and rose to become an international model in women's health. UNICEF ranked the country number one in 2005 and number three in 2008 for the lowest global maternal mortality rate. In Chile, the prohibition of abortion in 1989 resulted in a steep decline in the number of maternal deaths (69.2 percent). Chile now boasts the second-lowest maternal mortality ratio in the Western Hemisphere, after Canada. In both cases, restricting access to abortion services does not negatively impact maternal mortality. On the contrary, the restrictions on abortion resulted in stronger maternal health care initiatives that lowered the number of maternal deaths.

According to medical experts, addressing predictable causes of high-risk pregnancy where intervention is possible is especially important to reduce maternal, fetal, and neonatal mortality and morbidity. This is why high quality prenatal care is of crucial importance. The goal of prenatal care is the birth of a healthy baby with no risk for the mother. Quality prenatal care allows for the identification of potential high-risk patients, ongoing evaluations of mother and baby, and anticipation of potential problems before they occur. Managing high-risk pregnancies does not necessarily result in a conflict between the needs of the mother and the baby. Doctors have a duty to provide care that considers the interests of both mother and child.

It is important to not leave out the protection of the unborn under International Law. For example, the Convention on the Rights of the Child in its preamble and articles recognizes the unborn as a child with life that must be protected and safeguarded in a special way and under the law before and after birth. A child is defined as a human being that has not yet reached 18 year of age, establishing with this definition the point in which childhood ends, not where it begins. Not only does this Convention recognize that every child has the inherent right to life, but States Parties shall ensure to the maximum extent possible the survival and development of the child. The word abortion is nowhere to be found in the text of this binding Convention.

We urge the UN and its Member States to continue this duty of care to preserve the life of both mother and baby in pregnancy by focusing on maternal health, and not on increasing access to abortion. Enhancing education opportunities is a crucial means to achieving improved maternal health in the developing world. A 50-year experiment conducted in Chile demonstrated that for every additional year of maternal education there was a corresponding decrease in the maternal mortality rate. Increasing the level of education of women, additional nutrition programs, universal access to prenatal, perinatal, postnatal health services, development of emergency obstetric units and specialized care for complex high-risk cases, and sanitary development (including access to clean water and sewerage systems) resulted in nation-wide positive results in maternal health.

Access to education is a fundamental human right, which has tremendous ramifications for the ability of women and girls to flourish and lead healthy lives. The more educated a woman is, the greater her ability to access the health care resources available to her—including skilled attendants for childbirth. The State has a duty to provide access to education, and it is critical that governments focus on increasing quality of education, improving school attendance, and providing practical vocational training designed to develop employable skills. Most importantly, the family is the first and primary educator of children. It is thus in the interest of the State to afford families the "widest possible protection and assistance," as noted in Article 10.1 of the International Covenant on Economic, Social, and Cultural Rights.

Conclusion:

It is imperative that all UN processes be based on respect for the fundamental rights that form the foundation upon which it was created. Women should be able to exercise their right to become mothers and bring children safely into the world, regardless of where they live. The key to successful maternal health care is an educated female population. Healthy and educated women have the potential to not only improve their own lives, but also to transform their communities. The UN is faced with a critical opportunity to demonstrate its commitment to reducing maternal mortality rates, and to help women everywhere lead healthy lives. As evidenced by Ireland and Chile, access to abortion does not improve maternal mortality rates. Let us follow the example of these world leaders in maternal health and prove that it is possible to love both mother and baby in every country.

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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of religion or belief in Viet Nam

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the situation of human rights and freedom of religion or belief (FoRB) in Vietnam.

The right to freedom of religion or belief is protected by Article 18 of the International Covenant on Civil and Political Rights, to which Vietnam is a party, and is further protected by Vietnam's own Constitution. For many religious communities inside Vietnam, however, religious freedom is not yet a reality. Members of religious minorities continue to face restrictions on their religious freedom at the hands of both state and non-state actors.

In July 2013, President Truong Tan Sang met with President Barack Obama in Washington DC and assured the President that Vietnam would invite the Special Rapporteur on Freedom of Religion or Belief to visit the country in 2014. In his final remarks at Vietnam's Universal Periodic Review (UPR) on 5 February 2014, the head of the Vietnamese delegation confirmed that Vietnam is currently arranging a visit scheduled for July. In addition, on 7 November 2014, Vietnam signed United Nations Convention against Torture, and on 12 November 2014 was elected to the UN Human Rights Council.

These events are welcome signs that Vietnam is keen to engage with human rights issues on the international stage. However, public declarations of commitment to human rights promotion are only meaningful if they result in genuine and consistent efforts to address violations at the ground level, through changes to legislation and effective implementation of the law.

Religious activities and organisations in Vietnam must be registered with the relevant authorities. The specific requirements are outlined in 'Decree No. 92/2012/ND-CP: Specific provisions and measures for the implementation of the Ordinance on Belief and Religion' which came into effect on 1 January 2013, and replaces 'Decree 22', issued in 2005. As the title suggests, Decree 92 provides instructions for the implementation of the Ordinance on Belief and Religion, adopted in 2004. In its National Report to the UPR in 2014, Vietnam claimed that Decree 92 creates "favourable conditions for religious activities", a statement which clearly contradicts criticisms by Christian and Buddhist leaders, activists and lawyers in Vietnam.

While the new Decree contains measures which, if properly implemented, will create a more transparent registration process, the Decree as a whole is aimed at control or management rather than the protection of religious freedom. For example, Article 5 adds a new level of activity, sinh hoat ton giao, requiring registration/permission and in doing so simultaneously adds an extra stage to the process of applying for full registration/permission as an organisation conducting religious activities.

Another point of concern is the Decree's use of the term "national unity" in the context of violations by believers (in reference to Article 15 of the Ordinance on Beliefs and Religions), and as a requirement for representatives of religious organizations (Article 5: "the representative must [have] a spirit of national unity and reconciliation"). There is no clarification of the definition of this term at any point in the text, rendering it vulnerable to misinterpretation or misuse by those implementing the Decree.

In the same way, the stipulation that a religious organization's tenets, canons and procedures must not be against the "fine traditions and customs" of the country is highly subjective and open to interpretation and abuse. The inclusion of vague and ambiguous terms leaves much to the discretion of local officials and could potentially be an obstacle to the successful registration of peaceful, law-abiding religious organizations.

One potential consequence of the Decree is that religious groups could be pressured to join organisations which are already registered. A second potential outcome is that organisations could be forced to operate illegally while they wait for registration/permission. This would be detrimental not only to religious adherents, but also to Vietnamese society as a whole, because it would mean that this Decree has turned law-abiding citizens into criminals simply because of their religious beliefs.

Some religious organisations and individuals are already treated as criminals for engaging in religious activities outside

of state-approved associations such as the Caodai Governance Council. Independent Caodai groups who have refused to transfer the ownership of their temple to the local office of the Governance Council have been harassed and assaulted by local Council officials, Public Security Police and hired "thugs".

Similarly, Hoa Hao Buddhists are pressured to join the government-established Hoa Hao Buddhist Administrative Council. Religious activities by independent groups have been closed down on the pretext that they lack the required permit. In some cases, public security agents and their hired thugs have surrounded Hoa Hao sites, beaten those attending meetings there and violently disrupted their meetings.

The government also continues to harass and intimidate monks, nuns and lay-followers of the banned Unified Buddhist Church of Vietnam (UBCV). Prior to a Memorial Day commemoration on 10 January 2014, over 100 Security Police surrounded Long Quang Pagoda, and the internet at Long Quang Pagoda was cut. Several UBCV leaders were summoned for interrogations by the Security Police or placed under surveillance. Many members of the Buddhist Youth Movement were also intercepted and prevented from attending the traditional memorial ceremony for founders of the BYM in Vietnam at the Phuoc Thanh Pagoda in Hue.

Ethnic minority Protestants continue to experience some of the harshest treatment by local authorities. Common violations include forced eviction, destruction of property and livestock, confiscation of property, blocking of access to public goods and services, discrimination in education and employment, and in some cases arrest, detention, torture and even death.

In March and April 2013 CSW reported the case of Hoang Van Ngai, a Hmong Christian and elder of a Central Highlands church which belongs to the legally recognised Evangelical Church of Vietnam (South). According to his relatives, some government officials hated Ngai because he struggled to preserve the church when the authorities forbid them to meet. On 15 March police arrested Hoang Van Ngai and his brother. At about 3pm on 17 March, Ngai's brother heard the sound of violent beating coming from his brother's cell. The following day, the police announced that he was dead.

Vietnamese Catholics have not only been one of the most restricted groups, but also one of the boldest in standing up for their rights, and the rights of others. In September 2013, for example, Catholics in My Yen parish gathered to peacefully protest the arrest of two men detained allegedly as "scapegoats" after being involved in arguments with plainclothes police officers searching Catholics on their way to a shrine. Several hundred members of the community arrived to protest against the continued detention of the two men, at which point that the military arrived to dispel the crowd, armed with guns, batons, tear gas, and guard dogs. Between 21 and 40 people were injured.

Catholics have joined Protestants, Buddhists, Hoa Hao Buddhists, Cao Dai representatives to issue statements on the 2004 Ordinance on Religion and Belief and Decree 92, as well as the treatment of young prisoners of conscience. Religious leaders and communities in Vietnam have become a voice for the voiceless, speaking out for the rights of society's most vulnerable: those who have been evicted from their homes, marginalised, and imprisoned.

Conclusion

Christian Solidarity Worldwide welcomes the Vietnamese Government's efforts to engage with international human rights mechanisms. Furthermore, a visit by the Special Rapporteur on freedom of religion or belief, with unfettered access to all religious communities and all parts of the country, would be an important step towards demonstrating a genuine commitment to protecting religious freedom. However, these actions must be accompanied by effective and genuine efforts to address the serious violations of the right to freedom of religion or belief still prevalent in Vietnam today. The government has a responsibility to protect all Vietnamese citizens' right to freedom of religion or belief as defined by the International Covenant on Civil and Political Rights, which Vietnam acceded to in 1982. The Government of the Socialist Republic of Vietnam therefore needs to take urgent action to address its failure to protect this right, and thereby to fulfil its obligations under international law.

We recommend that the Human Rights Council urge Viet Nam to:

- Ensure that the proposed visit by the Special Rapporteur on freedom of religion or belief goes ahead, and that the Special Rapporteur is granted unfettered access to all religious communities in all parts of the country;
- In Decree 92, remove the lowest level of registration/permission required for religious meetings (sinh hoat ton giao) where such meetings do not violate any law;
- In Decree 92, remove vague terminology including: "infringements on national security"; "people's/national unity"; "traditions and customs", etc. Where these terms are relevant, they should include a full definition which clearly demonstrates what does and does not constitute a crime in relation to these terms;
- Remove regulations and laws which treat as 'illegal' religious groups awaiting registration or who refuse for reasons of conscience to join state-sanctioned religious associations;
- Provide extensive and on-going training for government officials, religious leaders, lawyers, jurists, and other relevant parties, on international standards on freedom of religion or belief;
- Ensure that the rights of all Vietnamese citizens, including religious believers, are protected by law and by those implementing the law, including the right to freedom of religion or belief.